REMARKS

Claims 56-58 remain pending in this application for consideration. Enclosed herewith is a petition for extension of time in which to respond to the Office Action of November 12, 2003, along with the requisite fee.

Rejections Under 35 C.F.R. § 103(a)

In the Office Action of November 12, 2003, the examiner withdrew his previous allowance of claims 56-58, and has now rejected claims 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,646,046 to Fischer et al. ("Fischer") in view of U.S. Patent No. 5,532,941 to Lin ("Lin"), in further view of U.S. Patent No. 6,507,765 to Hopkins et al. ("Hopkins"). The examiner also rejected claim 58 under 35 U.S.C. § 103(a) as being unpatentable over Lin view of Fischer. Applicant respectfully traverses the rejections for the following reasons:

Claim 58

With respect to claim 58, the Examiner argues that it would have been obvious to one skilled in the art to combine the quality control evaluation system of Lin with the automatic analysis system of Fischer to arrive at the claimed invention. Applicant respectfully disagrees with the examiner's reasoning.

Claim 58 of the present application requires (1) one or more groups of laboratory instruments, (2) a normalization server in communication with the groups of instruments, (3) wherein the groups of instruments are in communication with the normalization server, (4) wherein the groups of instruments send data to the normalization server, and (5) wherein the normalization server outputs normalized outputs back to the groups of laboratory instruments.

The examiner argues that Lin teaches a system for producing quality control information for groups of laboratory instruments comprising one or more groups of laboratory instruments, and a quality control evaluation server in communication with the groups of lab instruments, wherein the groups of lab instruments send data indicative of outputs to the quality control evaluation system, and wherein the quality control evaluation system outputs quality control evaluation information to the groups of lab instruments. The examiner further states that Lin "teaches implicitly" that the quality control evaluation performed by the quality control evaluation server includes normalizing the groups of instruments and outputting the normalized outputs to the groups of lab instruments. Finally, the examiner states that Fischer suggests reducing instrument-to-instrument variability between laboratory instruments, and that it would have been obvious to combine the teachings of Lin with the teachings of Fischer to arrive at the claimed invention.

First, Fischer discloses an analyzer which itself collects data and normalizes the sample-to-sample variability of collected data on that single analyzer (see Fischer, column 19, lines 61-67). There is absolutely no disclosure, teaching or suggestion in Fischer to obtain data from more than one analyzer. Thus, Fischer does not disclose a group of laboratory instruments as argued by the examiner and as required in all claims of the present application.

Second, Lin does not teach normalization of data whatsoever, either explicitly or implicitly. There is absolutely no suggestion, teaching, or disclosure in Lin of normalizing or normalization of any of the collected data. The examiner cites several instances of various statistical operations disclosed in Lin, such as computing the mean, computing an average, computing a standard deviation, computing a moving average, etc. However, there is no disclosure in Lin of performing the operation of normalizing the data as required in claim 58 of

the present application. The examiner reasons that the normalization step is somehow implicit since Lin discloses various other manipulations and statistical operations on the data.

In fact, by not including a normalization operation, the system disclosed in Lin teaches away from normalizing the data. There are numerous data manipulation and statistical operations which may be performed on any type of collected data. In designing a system to process any particular data, the designer will of course only include those operations which are necessary to achieve the desired result or output of the system. By naming the specific operations that may or will be performed on the data, Lin, in fact, implicitly teaches the exclusion of any other operations. It does not teach the inclusion of any normalization step, as the examiner argues. Lin makes specific reference to specific operations that may be performed on the collected data. The operation of normalizing the data is not one of those steps.

Furthermore, FIGS. 8A-8C of Lin disclose a flowchart of the specific operations to be performed on the collected data in order to produced a written report, and the specific order in which those operations are performed. Again, normalization is not included as one of the operations that is performed on the collected data.

Since Lin does not teach, suggest, or disclose normalizing the data as required in claim 58 of the present application, and in fact teaches away from normalizing the data, the examiner's rejection of claim 58 on this basis is improper and should be withdrawn.

Third, Lin does not disclose having the quality control system output quality control evaluation information to the groups of lab instruments as argued by the examiner. As shown in FIG. 8C and described in column 25, lines 13-19 of Lin, the final output taught in Lin is a written report which is dispatched to the individual laboratories along with a cover letter. Unlike claim 58 of the present application, which requires sending the normalized outputs to

groups of laboratory instruments, the system of Lin simply compiles a statistical report that is sent to the laboratory facility for reading and interpretation by people at the lab, nothing is sent to the laboratory instruments.

Thus, Lin teaches a method of monitoring laboratory instrument quality in which data is compiled and analyzed at a central system, then a written report is sent to the individual laboratories summarizing the results of the analysis. By contrast, claim 58 of the present application calls for a method of compiling and normalizing data from groups of laboratory instruments, then sending that normalized data back to those same instruments. There is absolutely no teaching, suggestion or disclosure in Lin of sending any data, much less normalized data, back to the laboratory instruments as required in claim 58 of the present application. Thus, for this reason too, the examiner's rejection is improper and should be withdrawn.

Claims 56 and 57

The examiner argues that the combination of Fischer and Lin, in further view of Hopkins, discloses the invention claimed in claims 56 and 57 of the present application.

First, claims 56 and 57 of the present application require, among other things, (1) normalizing data collected from a group of laboratory instruments, and (2) outputting the normalized data. As discussed above with respect to claim 58, neither Fischer, Lin, nor their combination disclose normalizing data from a group of laboratory instruments or outputting that normalized data. Thus, for the same reasons discussed above with respect to claim 58, the examiner's rejection of claims 56 and 57 is improper and should be withdrawn.

Second, Hopkins discloses a computer integrated manufacturing control and information system in which feedback signals from individual machines are monitored in real-

time in order to effectively control the processing system (see Hopkins, abstract). The examiner cites Hopkins as teaching that data may be output or displayed on a network. However, there is absolutely no teaching, suggestion or disclosure in Hopkins of normalizing data, or of outputting normalized data onto a network. Thus, combining Hopkins with Fischer and Lin, which individually do not teach normalizing data and outputting that normalized data, still does not teach, suggest, or disclose normalizing data or outputting that normalized data, as required in claims 56 and 57 of the present application. For this reason, too, the examiner's rejection of claims 56 and 57 is improper, and should be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that all claims of the application are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By: _____

Mark C. Young, Reg. No. 48,670
STINSON MORRISON HECKER LLP
1201 Walnut Street, Suite 2800
Kansas City, MO 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495
Attorney for Applicant

DTMDOCS 882566v1